

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES	:	
	:	3:14-CR-305
	:	
v.	:	(JUDGE MANNION)
	:	
MARCAL FRACTION,	:	
	:	
Defendant	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. Fraction's Emergency Motion and Amended Motion for Transfer to Home Confinement because of the COVID-19 pandemic, **(Docs. 630 & 635)**, are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies under §3582(c)(1)(A)(i).
2. Insofar as Fraction is challenging any decision by the BOP that he is not eligible for home confinement designation under the CARES Act, his motions are **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion

**MALACHY E. MANNION
United States District Judge**

Dated: June 23, 2020

14-305-09-ORDER